

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL K. WEST,

Plaintiff,

v.

CAVALRY PORTFOLIO SERVICES,
LLC,

Defendant.

CASE NO. C13-244 RAJ

ORDER

This matter comes before the court on defendant Cavalry Portfolio Services, LLC's motion for attorney's fees and costs. Dkt. # 32. On December 13, 2013, the court granted defendant's motion for protective order, and ordered that the parties meet and confer regarding the reasonableness of the fees and costs incurred. Dkt. # 30 at 3-4. The court noted that if the parties could not agree as to the reasonableness of the fees and costs incurred, and either party's position was unreasonable or frivolous during the meet and confer process, the court would award additional fees and costs as sanctions for presenting unnecessary motions or unwarranted oppositions pursuant to Local Civil Rule 11(c). *Id.* at 4.

In response to defendant's motion for attorney's fees, plaintiff does not explain why counsel failed to meet and confer in good faith with respect to the reasonableness of

1 attorney's fees in violation of the court's December 13, 2013 order.¹ See Dkt. # 41;
2 Local Rules W.D. Wash. CR 37(a)(1) ("A good faith effort to confer with a party . . .
3 requires a face-to-face meeting or a telephone conference."). To be clear, the court set a
4 meet and confer deadline of December 17, 2013. The record before the court
5 demonstrates that counsel for plaintiff did not provide a substantive response, albeit
6 written, to defendant's numerous requests to meet and confer regarding the
7 reasonableness of its attorney's fees, until December 20, 2013, the day defendant's
8 motion was due. The court finds that counsel for plaintiff failed to meet and confer in
9 good faith in violation of the court's December 13, 2013 order. Accordingly, the court
10 will award defendant the reasonable fees incurred in connection with its motion for
11 attorney's fees.

12 The court finds as follows:

13 1. Mr. Willey's hourly rate of \$395 per hour, given his experience, skill, and
14 the prevailing market rate in Seattle, is reasonable.

15 2. The court has carefully reviewed defendant's billing records and has made
16 several adjustments. Dkt. # 33-1 at 22-24 (Ex. G to Willey Decl.); # 44-1 at 2-4 (Ex. A to
17 2d Willey Decl.). The court believes that the initial motion for protective order could
18 have been completed within 4 hours, instead of 5.8, especially where defendant cited
19 numerous cases outside of the relevant jurisdiction. Dkt. # 44-1 at 2. The court reduces
20 the time spent on reply by one hour for the same reason. *Id.* at 3. It is unclear to the
21 court why the activities described for paralegal activities on November 14, 2013 required
22 2.4 hours. *Id.* at 2-3. The court believes that the activities described could have been
23 completed within one hour, especially given that legal secretaries can be trained to file
24 documents electronically. *Id.* Counsel spent a total of 6.1 hours on his reply in support
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26 ¹ While Mr. Sturdevant eventually responded in writing after several requests from
27 defendant, he does not explain his lack of responsiveness to defendant's requests to meet and
confer.

1 of the motion for attorney's fees, where he had spent 3.4 hours in drafting the initial
2 motion and supporting documents. The court believes that this amount is unreasonable,
3 and that counsel could have completed this task in two hours. Finally, the court believes
4 that counsel's "best estimate" as to "photocopying" and "Westlaw" allocation does not
5 meet its burden to recover such expenses. Accordingly, the court will not grant these
6 costs. After subtracting these amounts, the court finds that \$6,936.00 in attorney's fees is
7 reasonable.

8 3. The court ORDERS plaintiff's counsel, James Sturdevant, to pay
9 defendant Cavalry Portfolio Services, LLC \$6,936.00 in attorney's fees within 30 days of
10 this order.

11 Dated this 24th day of February, 2014.

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15 The Honorable Richard A. Jones
16 United States District Judge
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